

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NORTH DAKOTA

In Re:)
)
Drain Services, Inc.) Case No. 23-30352
)
) Chapter 11
) Subchapter V
)
)
Debtor)

SECOND INTERIM APPLICATION OF THOMAS J. KAPUSTA FOR SUBCHAPTER V TRUSTEE FEES AND EXPENSES

Thomas J. Kapusta, in his capacity as the Sub Chapter V Trustee d/b/a TK Enterprises, LLC. {"Applicant"}, pursuant to 11 U.S.C. §§ 330 and 331, hereby requests that the Court approve its Application and enter an Order thereby awarding certain Sub Chapter V Trustee 's fees and expenses incurred in connection with this case. In support thereof, Applicant respectfully represents:

1. Applicant is the Sub Chapter V Trustee of record for the Chapter 11 proceeding and has acted as such since being appointed same on October 4, 2023.
2. Thomas J. Kapusta is manager and sole member of TK Enterprises, LLC. Thomas J. Kapusta has over 40 years of experience as a practicing attorney in multiple jurisdictions.
3. Applicant has expended time in the form of professional services in support of this Chapter I1 Sub Chapter V proceeding. This time has been itemized on records reflecting

the work performed by the Applicant during the period covered by this First Interim Application. Attached hereto as Exhibit "A" are the time records/invoicing (Invoice #119) related to the services, setting forth the date of each service, a description of the service rendered, and the time spent rendering such service at a rate of \$275.00 per hour plus expenses noted, and the resulting fee charge on account of the service listed.

4. Applicant has listed on Exhibit "A" any expenses incurred directly in connection with Applicant's duties as Sub Chapter V Trustee of this proceeding and were necessary to Applicant's services.
5. This first interim application includes fees, expenses and sales taxes in the aggregate amount of \$3686.63 including expenses in the amount of \$84.13 for the period of November 18, 2023, through January 18, 2024, that have not been previously applied for or approved for payment.
6. Work on this case during the time concerned has involved services from the Applicant related to the: (i) review, evaluation and verification of the Debtor's Schedules and Statements as required under 11 U.S.C. §521; (ii) meeting with the United States Trustee's office and court including the Initial Debtor Interview; the first meeting of creditors; working with Debtor Counsel and with Debtor and debtors creditors, (iii) reviewing any Debtor monthly operating reports; (iv) and general work including financial analysis, review of motions and responding to inquiries, meeting with applicable creditors and debtor counsel regarding the Chapter 11 Sub Chapter V proceeding.
7. The undersigned trustee represents to the Court that the services and expenses

provided during the period covered by this First Interim Fee Application were ordinary and necessary given the nature of this Chapter 11 Sub Chapter V proceeding, and that no work was excessive or detrimental to the Bankruptcy Estate.

8. Applicant further requests that the Court, pursuant to 11 U.S.C. §, 330 and 331 approve the allowance of fees and expenses as ought in this First Interim Fee Application and authorize the Debtor, as debtor in possession, to pay the balance of such fees and expenses as approved by the Court to the Applicant as funds are available in the account maintained by the Debtor.

WHEREFORE, Applicant prays that the Court, pursuant to 11 U.S.C. § 330 and 331, enter an Order approving the First Interim Application for Fee and Expenses of the Applicant, and award compensation for services rendered and expenses in the total amount of \$3686.63 for the period covered in the Second Interim Application, and direct the Debtor, as debtor-in-possession, to pay the balance of such fees and expenses to the Applicant from Debtor account by February 14, 2024 or such date Debtor and Applicant agree, and for any and all other relief deemed just and equitable in the premises.

Dated: January 18, 2024

Signed: Thomas J. Kapusta

Thomas J. Kapusta, Sub Chapter V Trustee
TK Enterprises, LLC
PO Box 90624
Sioux Falls, SD 57109
Phone: 605-376-6715
Email: tkapusta@aol.com

Thomas J Kapusta TK Enterprises, LLC Subchapter V Trustee		EXHIBIT A	
PO Box 90624 Sioux Falls, SD 57109	Phone: 605-376-6715 tkapusta@aol.com		
Bill To: Drain Services, Inc/o Attorney Maurice VerStandig The Dakota Bankruptcy Firm	Phone: 701-394-3215		
Address: The Dakota Bankruptcy Firm, 1630 1st Avenue N. Suite B PMB 24,	Email: mac@mbvesq.com		
		Invoice Date: January 18, 2024	
Case Name: Drain Services, Inc.	Invoice 119	Case #: 23-30352	
Date	Services	Time Spent	Fee Total
11/21/2023	Review bank ledger sent by debtor counsel and respond	.3 hr	\$82.50
11/21/2023	Review order entry 77	.1 hr	\$27.50
11/21/2023	Review proof of claim 8-1	.2 hr	\$55.00
11/22/2023	Review entry 78 motion and discovery filed by Choice Financial	.2 hr	\$55.00
11/22/2023	Review MOR entry 79	.2 hr	\$55.00
11/22/2023	Review email from Vogel law firm representing Tony Hamilton regarding debtor plan and debtor plan relative to creditor	.3 hr	\$82.50
11/22/2023	Send email to debtor counsel regarding creditor inquiry and respond to creditor counsel	.2 hr	\$55.00
11/23/2023	Review entry 80	.1 hr	\$27.50
11/26/2023	Email to creditor attorney Caren Stanley regarding issue she raised about debtor plan	.1 hr	\$27.50
11/27/2023	Review order entry 81	.1 hr	\$27.50
11/27/2023	Review email from USTO	.1 hr	\$27.50
11/28/2023 &12/2/2023	Email from and to creditor attorney Stanley regarding question on debtor's plan	.1 hr	\$27.50
12/4/2023	Review proof of claim 9-1	.1 hr	\$27.50
12/7/2023	Read, review and analyze proofs of claim 10-1, 11-1 and 12-1	.2 hr	\$55.00
12/7/2023	Read, review and analyze entries 83-86, especially objections filed opposing confirmation of plan	1.0 hr	\$275.00
12/8/2023	Read, review and analyze weekly bank ledger and communicate with debtor counsel	.2 hr	\$55.00
12/8/2023	Prepare and file motion to appear by video conference entry 90	.1 hr	\$27.50
12/8/2023	Review exhibit and witness list filed by Choice entry 88	.1 hr	\$27.50
12/8/2023	Review order entry 87	.1 hr	\$27.50
12/8/2023	Review voluminous exhibit list of over 200 pages entry 89	.4 hr	\$110.00
12/9/2023	Review Tony Hamilton exhibit list entry 92 and witness list entry 93	.1 hr	\$27.50
12/11/2023	Review entry 96 ballot summary	.1 hr	\$27.50
12/11/2023	Review debtor response to objections to confirmation of amended plan	.5 hr	\$137.50
12/11/2023	Review witness and exhibit list entry 95	.1 hr	\$27.50
12/11/2023	Review entry 96 ballot summary	.1 hr	\$27.50
12/11/2023	Read and review entries 97-100 USTO objections to amended plan & exhibit list entry 99 and amended exhibit list by	.4 hr	\$110.00
12/12/2023	Prepare, attend and participate in confirmation hearing	5.0 hr	\$1,375
12/13/2023	Review entries 103-105 and calendar events	.2 hr	\$55.00
12/16/2023	Review certificate of notice entry 106	.1 hr	\$27.50
12/18/2023	Receive and review email query from debtor counsel	.1 hr	\$27.50

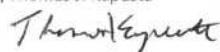
Date	Services	Time Spent	Fee Total
12/18/2023	Review order on stipulation dentry 107	.1 hr	\$27.50
12/18/2023	Review creditor's objection to plan and send recommendations to debtor counsel	.1 hr	\$27.50
12/19/2023	Review bank statements sent by debtor counsel	.1 hr	\$27.50
12/19/2023	Review email query from creditor's counsel to debtor counsel regarding bank ledgers entries	.1 hr	\$27.50
12/22/2023	Review draft amended plan and attachments from debtor counsel and review and respond to follow-up emails	.3 hr	\$82.50
12/22/2023	Review debtor bank ledger and respond to debtor counsel	.2 hr	\$55.00
12/23/2023	Review and analyze filed amended plan entry 108 and attachments in greater detail	.3 hr	\$82.50
12/27/2023	Review entry 109	.2 hr	\$55.00
12/29/2023	Review cash collateral stipulation entry 111	.1 hr	\$27.50
12/30/2023	Review amended schedules and statements entry 112	.1 hr	\$27.50
12/30/2023	Review adversary case entry 113	.1 hr	\$27.50
1/3/2024	Email response to debtor counsel regarding amended plan	.1 hr	\$27.50
1/13/2024	Review DSI bank ledger and canceled checks	.1 hr	\$27.50
1/16/2024	Research , confer with USTO, draft and file objection to amended plan	.3 hr	\$82.50
1/17/2024	Review response entry 115 to subchapter V trustee objection to plan	.1 hr	\$27.50
			Subtotal Service \$3,602.50
			Service/mailing expenses \$84.13
			TOTAL \$3,686.63

DUE UPON RECEIPT.

Make all checks payable to Thomas J Kapusta.

TRUSTEE SIGNATURE: ss/Thomas J. Kapusta

Date: January 18, 2024



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

In Re:)
)
Drain Services, Inc.) Case No. 23-30352
)
) Chapter 11
) Subchapter V
)
Debtor)

**NOTICE OF SECOND INTERIM APPLICATION OF THOMAS J. KAPUSTA
FOR SUBCHAPTER V TRUSTEE FEES AND EXPENSES**

Thomas J. Kapusta, Subchapter V Trustee, has filed an application to be paid from the bankruptcy estate \$3602.50 for compensation for fees and \$84.13 for reimbursement of expenses, for a total of \$3686.63 in fees and expenses. Your rights may be affected. You should read the application and this notice carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to approve the application, you or your attorney have twenty-one (21) days to file with the Bankruptcy Clerk, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. The response should also include your daytime telephone number or, if your attorney files the response, your attorney's telephone number. Only an attorney may file a response on behalf of a corporation, a partnership, or another formal legal entity.

If you are an attorney, you must file any response electronically. See additional information regarding electronic filing (CM/ECF) on the Court's website at www.ndb.uscourts.gov. If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is 655 1st Avenue North, Suite 210, Fargo, North Dakota 58102-4932. The response must be mailed early enough to ensure the Bankruptcy Clerk receives it on or before the deadline stated above.

If you or your attorney files a response, you or your attorney must also mail a copy of the response to parties in interest who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties-in-interest listed in by contacting the Bankruptcy Clerk's office at (701) 297-7100.

A hearing on the application may be set by separate order if a response is filed on or before the deadline stated above. If you or your attorney files a response to the application on or before the deadline stated above, the Court will call you or your attorney at the scheduled hearing time using the telephone number provided in the response. If an evidentiary hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing. Only an attorney may

represent a corporation, a partnership, or another formal legal entity at a hearing.

If no one files a response on or before the deadline stated above, the Court may enter an order granting the application without a hearing.

Dated: January 18, 2024

Signed: s/Thomas J. Kapusta


Thomas J. Kapusta
TK Enterprises, LLC
PO Box 90624
Sioux Falls, SD 57109
Phone: 605-376-6715
email: tkapusta@aol.com
Sub Chapter V Trustee